

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 925
99TH GENERAL ASSEMBLY

0108H.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 700.527, RSMo, and to enact in lieu thereof eight new sections relating to manufactured homes.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 700.527, RSMo, is repealed and eight new sections enacted in lieu thereof, to be known as sections 700.527, 700.800, 700.802, 700.804, 700.806, 700.810, 700.814, and 700.816, to read as follows:

700.527. 1. If a person abandons a manufactured home **or mobile home, as defined in section 700.802**, on any real property owned by another who is renting such real property to the owner of the manufactured home **or mobile home**, and such abandonment is without the consent of the owner of the real property, and the abandoned manufactured home **or mobile home** is not subject to any lien perfected according to sections 700.350 to 700.380, the owner of the real property shall have a lien for unpaid rent against the manufactured home **or mobile home**. The lien for unpaid rent shall be enforced as provided in this section and may be contested as provided in section 700.528.

2. The real property owner claiming a lien on an abandoned manufactured home **or mobile home** shall give written notice to the owner of the manufactured home **or mobile home**, by certified mail, return receipt requested, **and by posting such written notice on the manufactured home or mobile home for not less than thirty days**. The notice shall contain the following:

- (1) The name, address, and telephone number of the real property owner;
- (2) The name of the owner of the manufactured home **or mobile home** and the make, year, and serial number of the manufactured home **or mobile home**;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 17 (3) That the manufactured home **or mobile home** is abandoned as provided in section
18 700.526 and applicable rule of the director of revenue;
- 19 (4) The duration of such abandonment;
- 20 (5) That the manufactured home **or mobile home** is located on real estate owned by the
21 real property owner;
- 22 (6) That the home is located on such real estate by reason of a valid rental agreement;
- 23 (7) That the homeowner is in default of the rental agreement;
- 24 (8) The amount of rent accrued to the date of the notice and the monthly rate at which
25 future rent will accrue until the abandoned home is redeemed;
- 26 (9) That the homeowner has not paid or made arrangements for the payment of the
27 accrued rent;
- 28 (10) That the real property owner claims a lien for all such rent;
- 29 (11) That the owner of the manufactured home **or mobile home** may redeem the
30 abandoned manufactured home **or mobile home** at any time during business hours by paying all
31 rent accrued under the terms of the rental agreement;
- 32 (12) That the manufactured homeowner **or mobile homeowner** has a right to contest the
33 real property owner's lien by filing, within ten days of receipt of the notice required by this
34 section, a petition in the associate circuit division of circuit court of the county in which the
35 manufactured home **or mobile home** is located;
- 36 (13) That if the manufactured home **or mobile home** remains unredeemed thirty days
37 from the date of mailing of the notice and within ten days of mailing of the notice a petition is
38 not filed to contest the lien, the real property owner may apply to the director of revenue for a
39 lien title. Upon receipt of a lien title, the real property owner shall have the right to sell the
40 manufactured home **or mobile home** to recover unpaid rent, actual and necessary expenses
41 incurred in obtaining a lien title, and conducting and advertising the sale.
- 42 3. The real property owner's lien and the sum of which the homeowner shall be obligated
43 to pay to satisfy the lien shall be the unpaid rent accrued under the terms of the rental agreement
44 to the date the homeowner satisfied the lien or if not so satisfied to the date the home is sold
45 under this section.
- 46 4. The owner of the manufactured home **or mobile home** shall not have the right to
47 remove the home from the real property owner's property until such time as all rent provided for
48 the rental agreement is paid.
- 49 5. If the homeowner has not paid or made arrangements for the payment of the accrued
50 rent with the real property owner within thirty days from the date of mailing of the notice and
51 no petition as provided in section 700.528 has been filed in the associate circuit division of the
52 circuit court in the county in which the abandoned manufactured home **or mobile home** is

53 located to contest the lien or if filed has been dismissed or judgment has been entered on the
54 petition establishing the real property owner's lien, the real property owner may apply to the
55 director of revenue for a certificate of title in order to enforce the lien.

56 6. The application for a lien title shall be in the form furnished by the director of revenue
57 and shall contain and be accompanied by:

58 (1) The make, year, and serial number of the manufactured home **or mobile home**;

59 (2) An affidavit of the owner of real property seeking possession of the manufactured
60 home **or mobile home** that states:

61 (a) The manufactured home **or mobile home** is abandoned as provided in section
62 700.526 and by applicable rule of the director of revenue;

63 (b) The duration of such abandonment;

64 (c) The manufactured home **or mobile home** is located upon real property owned by the
65 real property owner;

66 (d) The manufactured home **or mobile home** is located on the real estate by reason of
67 a valid rental agreement;

68 (e) The homeowner is in default of the rental agreement;

69 (f) The amount of past-due rent and the monthly rate at which future rent will accrue
70 under the rental agreement;

71 (g) The homeowner has not paid or made arrangements for the payment of the rent;

72 (h) The owner of real property claims a lien for all such rent;

73 (i) The real property owner mailed the notice required by subsection ~~[3]~~ 2 of this section
74 to the owner of the manufactured home **or mobile home** by certified mail, return receipt
75 requested;

76 (j) The manufactured homeowner **or mobile homeowner** has not filed a petition in the
77 associate circuit division of circuit court contesting the real property owner's lien, or if a petition
78 was filed, that either the homeowner's petition was dismissed or that a judgment in the real
79 property owner's favor establishing the lien was entered;

80 (3) A copy of the thirty-day notice given by certified mail to the owner of the
81 manufactured home **or mobile home**;

82 (4) A copy of the certified mail receipt indicating that the owner was sent the notice as
83 required in subsection ~~[3]~~ 2 of this section;

84 (5) A copy of the envelope or mailing container showing the address and postal marking
85 that indicate the notice was not forwardable or address unknown;

86 (6) An original, photostatic, or conformed copy of the original contract for the rental of
87 the real property;

88 (7) A copy of any judgment of dismissal of the homeowner's petition to contest the lien
89 or a judgment awarding the real property owner a lien against the manufactured home **or mobile**
90 **home**; and

91 (8) Any other information that the director of revenue may require by rule.

92 7. If the director is satisfied with the genuineness of the application and supporting
93 documents submitted under this section, the director shall issue, in the manner a repossessed title
94 is issued, a certificate of ownership or certificate of title to the real property owner which shall
95 be captioned "lien title".

96 8. Upon receipt of a lien title, the holder shall within thirty days begin proceedings to sell
97 the manufactured home **or mobile home** as prescribed in this section. The real property owner
98 shall be entitled to any actual and necessary expenses incurred in obtaining the lien title,
99 including, but not limited to reasonable attorney's fees and cost of advertising.

100 9. The sale of the manufactured home **or mobile home** shall be held only after giving
101 the owner not less than twenty days' notice, by one of the following means:

102 (1) By personal delivery to the owner of a copy of the notice set out below;

103 (2) By mailing a copy of the notice set out in subsection [4-] **10** of this section, by
104 registered mail addressed to the owner of the manufactured home **or mobile home** in which case
105 a return receipt shall be evidence of due notice;

106 (3) By publishing the notice not less than twice in a newspaper of general circulation in
107 the county in which the manufactured home **or mobile home** is to be sold, the last publication
108 to be not less than twenty days prior to the date of sale; or

109 (4) If no newspaper is published within the county in which said manufactured home **or**
110 **mobile home** is to be sold, then by posting the notice, not less than twenty days prior to the date
111 of sale, on five handbills placed in five different places in the county in which the manufactured
112 home **or mobile home** is to be sold and with one of such handbills posted where the
113 manufactured home **or mobile home** is located.

114 10. The form of the notice shall be substantially as follows:

115 "NOTICE

116 Notice is hereby given that on (insert date), sale will be held at (insert place) to sell the following
117 manufactured home **or mobile home** to enforce a lien existing under the laws of the state of
118 Missouri for real estate rental, unless the manufactured home **or mobile home** is redeemed prior
119 to the date of sale:

120

121 Name of Owner: Description of Manufacturer's **or Mobile's** Amount of Lien:

122

123 Manufactured **or Mobile** Serial Number:

124

125 Home:

126

127 Name of Lienor:".

128 11. The owner of the manufactured home **or mobile home** may redeem the home prior
129 to the sale by payment of all rents due and owing to the real property owner under the rental
130 agreement to the date of sale or payment, whichever is sooner, and payment of actual and
131 necessary expenses incurred in obtaining the lien, including but not limited to reasonable
132 attorney's fees, and necessary expenses of advertising the sale.

133 12. If the manufactured home **or mobile home** is not redeemed prior to the date of sale
134 provided in the notice set forth in this section, the real property owner may sell the manufactured
135 home **or mobile home** on the day and at the place specified in the notice. The proceeds of sale
136 shall be distributed in the following order:

137 (1) To the satisfaction of real property owner's past-due rent and reimbursement of its
138 actual and necessary expenses incurred in obtaining the lien and lien title, including attorney's
139 fees and the necessary expenses of advertising the sale provided for in this section;

140 (2) The excess, if any, shall be paid to the manufactured homeowner **or mobile**
141 **homeowner**.

142

143 If the manufactured homeowner **or mobile homeowner** cannot be located within thirty days of
144 the date of sale, the excess, if any, shall be deposited with the county treasurer of the county in
145 which the home was sold and in the case of a sale within a city not within a county with its
146 treasurer, together with a sworn statement containing the name of the owner, description of the
147 manufactured home **or mobile home** by manufacturer's **or mobile's** serial number, amount of
148 lien, sale price, name of purchaser, and costs and manner of advertising.

149 13. Such treasurer shall credit such excess to the general revenue fund of the county or
150 a city not within a county, subject to the right of the owner to reclaim the same at any time within
151 three years of the date of such deposit with the treasurer, after presentation of proper evidence
152 of ownership and obtaining an order of the county commission, or comptroller of a city not
153 within a county, directed to said treasurer for the return of such excess deposit.

154 14. Any lienor failing to or refusing to deliver to such treasurer the excess proceeds of
155 sale together with a sworn statement as required in this section within thirty days after such sale
156 shall be liable for double the excess of proceeds of such sale, to be recovered in any court of
157 competent jurisdiction by civil action.

158 15. The real property owner's compliance with the requirements of this section shall be
159 a perpetual bar to any action against such owner of real property by any person for the recovery

160 of the manufactured home **or mobile home** or its value or of any damages growing out of the
161 taking of possession and sale of such manufactured home **or mobile home**.

162 16. The real property owner may be a purchaser at the public sale conducted under this
163 section.

164 17. The provisions of this section shall not apply to a manufactured home which is real
165 estate as defined in subsection 7 of section 442.015.

700.800. Sections 700.800 to 700.816 shall be known and may be cited as the
2 **"Manufactured Home and Mobile Home Residency Law".**

700.802. As used in sections 700.800 to 700.816, the following terms shall mean:

2 (1) **"Homeowner", a person who has a tenancy in a park under a rental agreement;**

3 (2) **"Management", the owner of a park or an agent or representative authorized**
4 **to act on his or her behalf in connection with matters relating to a tenancy in the park;**

5 (3) **"Manufactured home", a single-family dwelling required to be built in**
6 **accordance with regulations adopted under the National Manufactured Housing**
7 **Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), as amended;**

8 (4) **"Master-meter customer", management of a manufactured home or mobile**
9 **home park who, as a customer of a utility, purchases water utility services and provides**
10 **water services to users who are homeowners of a park;**

11 (5) **"Mobile home", a factory-built dwelling built before June 15, 1976, to**
12 **standards other than the National Manufactured Housing Construction and Safety**
13 **Standards Act of 1974 (42 U.S.C 5401 et seq.), as amended, and acceptable under**
14 **applicable state codes in effect at the time of construction or introduction of the home into**
15 **this state;**

16 (6) **"Park", an area of land where two or more manufactured home or mobile home**
17 **sites are rented, or held out for rent, to accommodate manufactured homes or mobile**
18 **homes used for human habitation;**

19 (7) **"Tenancy", the right of a homeowner to the use of a site within a park on which**
20 **to locate, occupy, and maintain a manufactured home or mobile home, site improvements,**
21 **and accessory structures for human habitation, including the use of the services and**
22 **facilities of the park;**

23 (8) **"Water utility", any water company regulated by the public service commission,**
24 **any municipal water system, or any public water supply district that provides water**
25 **service.**

700.804. 1. A homeowner shall not be charged any fee that is not listed in the rental
2 **agreement or in the park's rules and regulations unless he or she has been given written**
3 **notice thereof by management at least sixty days before imposition of the charge.**

2. Any such fee and charge not listed in the rental agreement or lease shall be separately stated on any monthly or other periodic billing to the homeowner. If the fee or charge has a limited duration or is amortized for a specified period, the expiration date shall be stated on the initial notice and each subsequent billing to the homeowner while the fee or charge is billed to the homeowner.

3. Management shall not implement any amendment to the park's rules and regulations without prior written notice of at least sixty days to all homeowners. Such notice shall be delivered personally to the homeowners or by United States mail, postage prepaid, addressed to the homeowner at his or her site within the park.

4. A homeowner shall not be charged a fee for the enforcement of any of the rules and regulations of the park; except that, a reasonable fee may be charged by management for the maintenance or cleanup of the land and premises upon which the manufactured home or mobile home is situated in the event the homeowner fails to do so in accordance with the rules and regulations of the park after written notification to the homeowner and the failure of the homeowner to comply within seven days. Such notice shall state the specific condition to be corrected and an estimate of the charges to be imposed by management if the services are performed by management or its agents.

700.806. 1. Every master-meter customer is responsible for maintenance and repair of its submeter facilities beyond the master-meter, and nothing in this section requires a water utility to make repairs to or perform maintenance on the submeter system.

2. If a third party billing agent or company prepares utility billing for the park, a master-meter customer shall disclose on each homeowner's billing the name, address, and telephone number of the billing agent or company.

3. Master-meter customers shall comply with the commission's residential billing standards contained in 4 CSR 240-13 or its successor rules.

4. All master-meter customers shall provide safe and adequate service at nondiscriminatory, just, and reasonable rates as those terms are generally applied to public utilities.

5. Upon complaint that a master-meter customer has violated subsection 4 of this section, the complainant, the customer, and the public service commission shall proceed under sections 386.390 to 386.610, except as to the requirement in subsection 1 of section 386.390 that twenty-five consumers or purchasers sign the complaint.

6. The public service commission shall adopt rules and orders necessary to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if

20 applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of
21 the powers vested with the general assembly pursuant to chapter 536 to review, to delay
22 the effective date, or to disapprove and annul a rule are subsequently held
23 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
24 after August 28, 2017, shall be invalid and void.

700.810. Management shall give a homeowner written notice of any increase in his
2 or her rent at least sixty days before the date of the increase. Any such increase shall also
3 be in compliance with the terms of any written rental or lease agreement entered into by
4 the management and homeowner, or it shall not apply until after the rental period has
5 ended.

700.814. Management may remove a vehicle, other than a manufactured home or
2 mobile home, that is parked in the park only if management has first posted on the
3 windshield of the vehicle a notice stating management's intent to remove the vehicle after
4 twenty-four hours and stating the specific park rule that the homeowner has violated
5 justifying its removal. If a vehicle rule violation is corrected within twenty-four hours after
6 the rule violation has been posted on the vehicle, the vehicle shall not be removed; except
7 that, if a vehicle poses a significant danger to the health or safety of a homeowner or guest,
8 or if a homeowner or resident requests to have a vehicle removed from his or her driveway
9 or designated parking space, the provisions of this section shall not apply, and management
10 may remove the vehicle.

700.816. 1. With respect to trees on rental spaces in a park, management shall be
2 solely responsible for the trimming, pruning, or removal of any tree, and the costs thereof,
3 upon written notice by a homeowner or a determination by management that the tree poses
4 a specific hazard or health and safety violation.

5 2. With respect to trees in the common areas of a park, management shall be solely
6 responsible for the trimming, pruning, or removal of any tree, and the costs thereof.

7 3. Management shall be solely responsible for the maintenance, repair,
8 replacement, paving, sealing, and the expenses related to the maintenance of all driveways
9 installed by park management, including, but not limited to, repair of root damage to
10 driveways and foundation systems and removal. Homeowners shall be responsible for the
11 maintenance, repair, replacement, paving, sealing, and the expenses related to the
12 maintenance of a homeowner-installed driveway. A homeowner may be charged for the
13 cost of any damage to the driveway caused by an act of the homeowner or a breach of the
14 homeowner's responsibilities under the rules and regulations so long as those rules and
15 regulations are not inconsistent with the provisions of this section.

16 **4. No homeowner shall plant a tree within the park without first obtaining written**
17 **permission from management.**

18 **5. This section shall not apply to alter the terms of any rental agreement between**
19 **the park management and the homeowner regarding the responsibility for the maintenance**
20 **of trees and driveways within the park.**

21 **6. This section shall only apply to rental agreements entered into, renewed, or**
22 **extended on or after August 28, 2017.**

23 **7. Any park rule or regulation shall be in compliance with this section.**

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